

ZONING BOARD OF APPEALS IPSWICH, MASSACHUSETTS

Meeting Minutes
April 21, 2016

Pursuant to a written notice posted by the Town Clerk and delivered to all Board members; the Ipswich Zoning Board of Appeals held a meeting on Thursday, April 21 2016 at 7:30 p.m. in room C at the Town Hall. Members attending were Chairman Robert Gambale, Benjamin Fierro, Lewis Vlahos, William Page and Associate Member Becky Gayton. Also, Administrative Assistant Marie Rodgers. Roger LeBlanc and Robert Tragert were not present.

Citizen Queries: None.

Announcements:

- Chairman announced the continuation of **84 High Street** at the request of the Petitioner, Ryan McShera in an email dated April 15, 2016 (hereby incorporated by reference) to convert the existing barn into a Private Guest House; he requires more time to find resolution on the property line issue with his neighbor. (continued from the February and March meetings)

- Chairman announced the withdrawal of **3 Howard Street** at the request of the Petitioner, Robert Bouchard in an email dated April 6, 2016 (hereby incorporated by reference) he will not pursue the attached garage option.

Public Hearings:

55 Town Farm Road (Map 21 Lot 088). **Shendel Bakal** request a Special Permit, under Zoning Sections V and XIJ, to temporarily place a mobile home on the property as a temporary residence during construction of the primary dwelling. Chairman Gambale read the legal notice and opened the public hearing at 7:35 p.m. The Petitioners were present and submitted the proposed location for the trailer on the lot, (hereby incorporated by reference) showing the location of the septic system and proposed house. (as proposed by their engineer)

The Petitioners would be residing in the trailer while the primary residence is constructed. The trailer is to be placed on the location chosen because of the septic system; the Petitioners plans to sell the home in Swampscott. The type of trailer was discussed.

The Chairman initiated discussion regarding the applicability of footnote 1 in the Table of Use Regulations, citing “Only where justified by a personal emergency..” the Petitioner explained their plan to sell their current home, and use proceeds to build the house in Ipswich. In response to Mr. Fierro’s question regarding the timing of selling their home and building a new home all within one year. The Petitioner replied they would try their best; it’s not a complex house. The mobile home would be located well away from the wetlands and there would be adequate room to remove the trailer, once the house was built.

Discussion took place regarding the septic system, electric and water access; the location of the trailer on a right of way called Driftway. Abutter Donna Kozazcki, 57 Town Farm Road questioned the location of the trailer and who will maintain the driveway. Mike Hetnar 59 Town Farm Road questioned the location of the trailer on Driftway. Joseph Mc Carthy 53 Town Farm Road said he had no issues.

The Board discussed the intent of the bylaw and expressed concerns about setting precedent beyond the intent of the bylaw. The board told the Petitioners that, if their personal situation changes they can come back. Petitioners said they were trying to avoid a crisis situation.

Options regarding how to proceed were discussed. The Petitioners requested to withdraw their Petitioner without prejudice.

The Board closed the public hearing; the Petition was withdrawn without prejudice.

In accordance with the revised Open Meeting Law effective July 1, 2010 all documents and exhibits used by the Appeals Board in an open session are hereby listed: ZBA Petition and supporting documentation

6 Mill Road. (Map 53C Lot 23A) **Raymond Gosselin** request a retroactive **Variance** pursuant to Sections XI.K and VI.F Table of Dimensional and Density Regulations relative to an existing deck constructed one hundred and eighty (180) square feet, sixty-four (64) square feet is the maximum allowed for an attached deck. Chairman Gambale read the legal notice and opened the public hearing at 8:15 p.m.

The Petitioner was present represented by Attorney Allen Grenier who explained their request to keep the existing deck attached to the managers' apartment on the westerly side, with the stair case down to grade. The Petitioner showed the original plans from 2010; showing the deck and stairs; he said they never changed, there were no revisions. A temporary Occupancy Permit was issued last fall. Recently, the Building Inspector visited to review new railing regulations/balusters, everything was perfect structurally. However, the Temporary Certificate of Occupancy was expired. Petitioner spoke to the design of the stairway up and supporting post, to remove or reconstruct would possible case structural problems, and that would be the hardship. It's been in use for four years, structurally it's all perfect.

Discussion was held regarding the ZBA Decision from August 2012 relative to merging lots and granted with restrictions. The Planning Board decision issued October 2012 and required action for the existing deck built larger than what is permitted in the bylaw.

Additional discussion took place regarding the oversized deck that was missed by the architect and the Building Inspector; the builder was unaware of the restrictive dimensional regulation in the bylaw; the hardship to rebuild would possibly cause structural problems, they would have to go back to Conservation Commission, then the Planning Board for site plan review.

The Chairman cited "open decks" in the bylaw and offered the option of placing a roof above all the deck, except for the allowed sixty-four (64) square feet. Discussion was held regarding compliance and options on how to proceed.

The Petitioner requested to continue the public hearing until the May 19, 2016 meeting, in order to gather more information and come up with a plan and discuss it with the building inspector.

The Board agreed to continue the public hearing.

In accordance with the revised Open Meeting Law effective July 1, 2010 all documents and exhibits used by the Appeals Board in an open session follows: Petition and associated documentation

New Business: Reorganization of the Board

Mr. Fierro nominated Mr. Gambale to be Chair, seconded by Mr. Page, Mr. Gambale accepted. As there were no other nominations Mr. Gambale was unanimously voted to be Chair. Mr. Gambale abstained from voting.

Mr. Gambale nominated Mr. Fierro to be Vice Chair, seconded by Mr. Vlahos. As there were no other nominations, Mr. Fierro accepted. Mr. Fierro was unanimously voted to be Vice Chair. Mr. Fierro abstained from voting.

Approval of Minutes –

MOTION: Mr. Fierro moved to approve meeting minutes of 3/17/2016 with minor edits. Mr. Page seconded, the motion passed unanimously. (*meeting minutes hereby incorporated by reference*)

Adjourn

It was moved, seconded and voted unanimously to adjourn at 9:05 p.m.

Respectfully submitted,

Marie Rodgers
Administrative Assistant

These minutes were approved by the Board on June 16, 2016